

Board of Selectmen
Tuesday, December 10, 2013

A Board of Selectmen meeting was held on Tuesday, December 10, 2013 in Conference Room A of Town Hall. Four selectpersons and the Town Administrator were present; Selectperson Lucas will be arriving late.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of November 19, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of November 19, 2013, Selectperson Sheedy seconded, Vote: 4-0.

Approval of
11/19/13 minutes
Motion Approved

Chairperson Battistelli said that on page 2, 4th paragraph, the Town Administrator commented on how the board worked on the Long Beach issues, she said the board debated on a number of issues. Selectperson Sheedy said assessed amounts will change and the amounts came from the assessors; assessed values change. On page 6 change to state that Chairperson Battistelli said the issue of selling the land will be looked at in the future; it's not off the table. On page 4, Selectperson Sheedy said if the town chose to sell the land we would need a ballot and special legislation to apply. A Town Meeting vote would be necessary to put it on the ballot.

Approval of Minutes of November 26, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of November 26, 2013, Selectperson Sheedy seconded, Vote: 5-0.

Approval of
11/26/13 minutes
Motion Approved

Amendment: On page 5, change to reflect that Selectperson Lucas didn't vote in favor of the menorah and change the eight month occupancy period on Long Beach to April 1 to December 1.

Selectmen Updates and Liaison Reports: Selectperson Murphy said that he and Chairperson Battistelli had attended the school committee budget meeting. Selectperson Murphy suggested a workshop be held with the Board of Selectmen, the School Committee and the Finance Committee. He stated that the town cannot continue to go for an override every 2-3 years. He said when there are around 300 high school students it is difficult to schedule programs. He suggests having a meeting in the spring to figure something out.

Selectmen
Updates &
Liaisons

Chairperson Battistelli stated that the CIPC has been meeting and will be coming before the Board of Selectmen soon.

It was stated that a Holiday party is planned for this Thursday from 4-6pm for volunteers, staff members, as well as board and committee members at the Community House. It was also stated that Bruce Tarr's toy drive is being held on the same day.

Interview for Full Time Police Officer: Appointment of Jason Balzarini as Full Time Police Officer: Selectperson Wilkinson moved that the Selectmen appoint Jason Balzarini as a full time Rockport Police Officer, effective 12/24/13 conditioned upon

the successful completion and passing of 1) fitness for duty psychological examination, 2) fitness for duty Medical Physical, which includes a pulmonary function test and hearing test and 3) a physical abilities test administered by the Human Resources Division of Civil Service, Selectperson Sheedy seconded, Vote: 4-0.

J. Balzarini said he served in Afghanistan for 10 months, and was previously an intermittent on the Rockport Police Force. He said he went to school in Rockport, after high school he joined the National Guard. He worked at the Essex County Sheriff's Dept. in Middleton, then to Rockport. He was on Active Duty in the National Guard in Aug 2012, and returned in July in 2013. He stated that he is currently a permanent intermittent and wants to serve the public.

Selectperson Sheedy left the meeting temporarily.

Public Comment
Period

Public Comment Period:

Harold Mallette, 133R Granite St., Pigeon Cove, commented on the Town of Rockport appeal dated 11/5/13 of base flood elevation determine for portions of FEMA revised preliminary flood insurance rate maps. He said no portion of the Pigeon Cove shoreline was included in the appeal; he doesn't understand why. He said in August of 2013 he went to the Bldg. Inspector and the Planning Board with his concerns; he said he also spoke to the Town Administrator. She told him that the town was searching for an engineering firm to handle the appeal. He is now asking that Applied Coastal conduct an analysis of the proposed base flood elevations for the Pigeon Cove Shore line and submit their results as an addition to the appeal dated 11/5/13.

T. Arsenian, 95 Granite Street, said he wanted a response to his alcohol license concern. He said the Chairperson of the Selectboard was quoted as saying how helpful the school committee's budget was. He said we're now facing a proposal to remove the line items from the Finance Committee, why wouldn't the voters find them helpful also. Chairperson Battistelli said she believed this board is on record for not supporting this; she continued that the board wasn't comfortable with limiting this information. Chairperson Battistelli continued that in terms of the alcohol licenses inspected after the issuance of the license, she learned that it is generally 3-4 weeks or less.

Town Administrator's
Report

Town Administrator's Report:

Flood Map Appeal

Flood map appeal, the Town Administrator said FEMA wouldn't consider any appeals unless it was science-related, transects and wave velocity, etc. She continued that those three areas were the only sites that could be contested. There wasn't a lot of choice; it had to be based on science. The Town Administrator said there wasn't an opportunity to do a blanket appeal. She recommended that Mr. Mallette get on the phone directly with the engineers and they can explain it.

The Town Administrator said last Thursday the engineers had a conference call with the FEMA team that is reviewing the Rockport appeal; it has been accepted but with a minor change on Main Street. On Long Beach they were close to accepting it, they asked for more wave model sensitivity runs. They needed this within two weeks so

the consultants went ahead and completed it. This is good news for the areas that were appealed.

Town
Administrator's
Report – con't

Ethics training is ongoing; M. Vieira has been handling this. It was stated that the Town Clerk has requested that the poll workers be exempted from taking the ethics training. This would be the only group being exempted; other seasonal workers are not being exempted. The board members are not in favor of exempting anyone.

Ethics Training

Long Beach leases went out in the mail today to the cottage owners. The leases will be signed by the tenants first; then the Board of Selectmen will sign them.

Long Beach
Leases

Legal budget, Finance Committee; the Town Administrator stated that July's bill for legal services was \$19,000; the annual budget is approximately \$8,000/month. Selectperson Wilkinson said this should go to the Finance Committee so they can put it on their agenda and they can vote on this. The Town Administrator said we can't have services charged for a month where we know there are no funds. Selectperson Wilkinson said we should put a request in and let the Finance Committee know there is an anticipated short fall.

Legal Budget
Finance
Committee

7:45 Action List

Action List:

Nomination of Theresa Scatterday to the Economic Development Committee: Selectperson Sheedy nominated Theresa Scatterday as a member to the Economic Development Committee, Selectperson Wilkinson seconded, vote to be taken at next meeting.

Nomination of
Theresa
Scatterday to
Economic
Develop.
Committee
No vote taken

Board of Health Administrative Assistant Hours: Selectperson Wilkinson moved that the Selectmen approve the Board of Health's request to increase the number of hours for the Board of Health Administrative Assistant to 25 hours per week, including benefits, Selectperson Murphy seconded, Vote: 3-0.

Board of Health
Admin. Asst. –
increase in hours
Motion Approved

Board of Health members, Wedmore, Meringer and Sandfield were present. S. Wedmore said there are more obligations than before for the Board of Health and some are consuming more time. There are more rental units in town, as well as inspections and complaints. He continued that L. Whelen is stretched more than before. Currently L. Whalen works 20 hrs/week and T. Machado works 16 hrs/week. Currently there is not a physical person in the office every day to serve the public. The approval of these additional hours would free L. Whalen up to do the things she's supposed to do. The Town Administrator inquired if they would consider offering some administrative support to the IT department when they move into the annex. It was stated that when the hours are increased from 16 to 25; this will add health benefit eligibility to this position. S. Wedmore said there may be savings next year by reducing flu clinics because they're being offered in various other locations.

Accounting Department Salary Adjustments: Selectperson Murphy moved that the Selectmen accept the recommendation of the Personnel Board and adjust the Town Accountant's annual salary to \$80,760 and the Assistant Town Accountant's annual salary to \$50,905, both effective July 1, 2013, Selectperson Wilkinson seconded, Vote: 3-0.

Accounting Dept
Salary
Adjustments
Motion Approved

Police Reserve Offices
as Special Municipal
Employees
Motion Approved

Police Reserve Officers as Special Municipal Employees: Selectperson Wilkinson moved that the Selectmen designate Rockport's Permanent Intermittent Police Officers as Special Municipal Employees pursuant to MGL Chapter 268A, Selectperson Murphy seconded, Vote: 3-0.

The police department advertised for three civilian dispatchers, the three finalists come from other jobs in Rockport. One of the finalists is a firefighter; they are already exempted, the other two are permanent intermittent police officers.

Use of Conservation
Commission Fees
Motion Approved

Use of Conservation Commission Fees: Selectperson Wilkinson moved that the Board of Selectmen approve the Conservation Commission's request to withdraw \$1,800 from the wetlands filing fees account for the purchase of an electronic Tablet and software, Selectperson Murphy seconded, Vote: 3-0.

MAPC Representative
Frederick Tarr
Motion Approved

MAPC Representative: Selectperson Murphy moved that the Selectmen reappoint Frederick Tarr as the Town of Rockport's representative to the Metropolitan Area Planning Council for a three year term to expire on November 1, 2016, Selectperson Wilkinson seconded, Vote: 3-0.

CATA Representative
Mitchell Vieira
Motion Approved

CATA Representative: Selectperson Murphy moved that the Selectmen appoint Mitchell Vieira as the Town's Representative to the Cape Ann Transportation Authority, Selectperson Wilkinson seconded, Vote: 3-0.

Easement for 52
Thatcher Road
Motion Approved

Easement for 52 Thatcher Road: Selectperson Wilkinson moved that the Selectmen approve and sign a non-exclusive utility and access easement agreement with Kristen Whelan as appurtenant to her land located at 52R Thatcher Road, Selectperson Murphy seconded, Vote: 3-0. This went through Town Meeting, utility poles on the way to the water tower.

T. Arsenian, 95 Granite St., inquired if there are objective standards on accepting easements. He stated that there should be some consideration to what these easements are worth; these are permanent and of value. T. Arsenian recommends a real estate committee be formed for the town.

Selectperson Wilkinson recommended that for large documents that pertain to agenda items, such as trust documents, perhaps just providing a copy of the front page would save time and resources in the future. Selectperson Murphy inquired what time and resource savings have been realized since the tablets were put in place for the Board of Selectmen. The Town Administrator estimated that perhaps 3-4 hours for each meeting and paper, copier cost, etc. have been saved.

Lease for 12 Long Beach
Motion Approved

Lease for 12 Long Beach: Selectperson Wilkinson moved that the Selectmen approve and sign a lease with Stephen and Pamela Sheehan for 12 Long Beach to reflect a name change from the individuals to a trust, Selectperson Murphy seconded, Vote: 3-0.

Lease for 108 Long
Beach
Motion Approved

Lease for 108 Long Beach: Selectperson Murphy moved that the Selectmen approve and sign a lease with the McCarthy Family Long Beach Trust for 108 Long Beach to reflect a name change from the individuals into a family trust, Selectperson Wilkinson seconded, Vote: 3-0.

Long Beach Rules & Regulations Revisions: The Town Administrator said over the years some recommended changes have come up. June 8, 2004 was the last version of the regulations. The Town Administrator said the document is worded as a contract but it is regulations.

Long Beach Rules &
Regulations
Revisions

Eric Johnson and Louisa Casadei-Johnson, 120 Long Beach, commented on C) bldg. property and use, #1, “not primarily for income purposes”. The Town Administrator said we should define what “primarily” means if it is left in the regulations. It was stated that Long Beach should be a community of owners not investors. Chairperson Battistelli said many of the current tenants didn’t want different tenants all the time; she said it’s difficult to enforce. She said we should consider taking this out of the regulations. She continued that this came from Long Beach cottage owners as well, because they didn’t want tenants changing all the time. F. Tarr said this was put in because there was a time when cottage owners rented their cottages constantly and it created lots of problems.

It was discussed that under #6, it should be changed that motorized vehicles and skateboards are prohibited on the sidewalks.

Selectperson Wilkinson said there should be no dumping in the dunes (fall clippings) and after 12/1 all outdoor furniture should be secured. She stated that the lease language should be the same as the language in the regulations.

The Town Administrator said the January 21, 2014 Board of Selectmen meeting is the next opportunity for comments on the revised Long Beach regulations and the leases must be signed by January 31, 2014.

It was recommended that board members review these again and get any changes to the Town Administrator; a draft will be furnished to the Board of Selectmen.

8:15 Selectperson Lucas arrived at the meeting.

8:30 Selectperson Sheedy rejoined the meeting.

T. Arsenian, said any time regulations are being changed, they should be on notice for weeks in advance.

Selectperson Wilkinson said this agenda was published; there has been opportunity for public comment.

Chairperson Battistelli recommended getting the new regulations on the website and a hardcopy in town hall.

The Town Administrator said she received a call from a reporter today wanting to see the Long Beach lease. She said the reporter questioned if there is no lease from 1/1 to 1/31/14, it was stated that this is a grace period.

Other Business/Announcements:

8:45 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, vote: 5-0.

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 12/13/13 in the amounts of \$576,246.69 and \$256,132.18 respectively.

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 12/5/13 in the amounts of \$121,048.47 and \$225,964.38 respectively.

Items signed:

Roster Certification

Easement Agreement, Whelan, 34 King Street, property at 52 Thatcher Road

108 Long Beach Lease

12 Long Beach Lease

Common Victualler's License Dichyant, Inc. (Madan Man Mahat), Rockport Market

Innholder's License, Seacrest Manor, LLC

Innholder's License, Elizabeth Eck, The Inn on Cove Hill

Innholder's License, Joseph Allen, Bearskin Neck Motor Lodge

Innholder's License, Michael Kern, Eden Pines

Common Victualler's License, Tuck's Retail Corp., Tuck's Candies

Common Victualler's License, James Balzarini, Ellen's Coffee Shop

Common Victualler's License, Sandy Bay Yacht club,

Used Car Dealer John & Cathy Poret, Sandy Bay Service Center

Kimberlie O'Connell, Heath's Tea Room, Entertainment License

Lodging House License, Tregony Bow Guest House

Innholder's License, The Tuck Inn, Scott & Elizabeth Wood

Transient Vendor License, Peter Foster, 18 Railroad

Common Victualler's License, Fudge Four, Inc.

Common Victualler's License, Dunkin Donuts

Innholder's License, Seafarer Inn

Inn Holder's License, Lantana House, Richard Nestel

Inn Holder's License, Peg Leg Inn & Restaurant

Inn Holder's License, Emerson by the Sea

Entertainment License, Emerson by the Sea

Lodging House License, The Quarterdeck Inn by the Sea

Entertainment License, Yankee Clipper Inn

Innholder's License, Yankee Clipper Inn

Common Victualler's License, 7th Wave Restaurant

Common Victualler's License, Bearskin Neck Country Store

Common Victualler's License, Blue Lobster Grille